

EXHIBIT 32

In the Matter Of:

FAIR FIGHT ACTION vs BRAD RAFFENSPERGER

18-cv-5391 (SCJ)

GEORGIA OFFICE OF THE SECRETARY OF STATE

August 16, 2019

30(b)(6)



ESQUIRE
DEPOSITION SOLUTIONS

*800.211.DEPo (3376)
EsquireSolutions.com*

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6)
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER

August 16, 2019

30

1 training materials for all of those?

2 A We do.

3 Q And also for people who work in county
4 elections and registration offices?

5 A We provide the materials generally at the
6 high level for either the election superintendent or
7 the registrar or the combined board, and then they
8 may choose and probably choose to use that materials
9 as they go down the line of training their poll
10 workers.

11 Q How about, does the office of the
12 Secretary of State provide training materials for
13 poll workers?

14 A We do prepare some general information
15 that could be used by poll workers, but it's
16 generally designed to be, be a resource for the
17 counties to use for poll workers.

18 Q Is that true for poll managers as well?

19 A Generally.

20 Q So, in general, what, what kind of media
21 does the Secretary of State's training material use?

22 A Well, we've gotten a little bit more high
23 tech as the years have gone on. We use a lot of
24 webinars currently, and then we generally post them
25 online as recordings afterwards. So that if

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 31

1 somebody isn't able to attend the webinar, they can
2 review it later.

3 We use email, send out documents. We use
4 PowerPoint presentations at conferences. We use --
5 have used videos for counties to train poll workers,
6 poll managers, things like that.

7 Of course, send information out through
8 email.

9 We have Firefly, which is a -- as I said,
10 is maintained by the Secretary of State's office but
11 which counties can access, which is the main
12 repository where people can access documents and
13 videos, forms, things like that.

14 Q Is that, is that public facing or is that
15 closed?

16 A It's subscription only for elected
17 officials. It's not public facing. You have to --
18 we have to authorize users.

19 Q You have to have an ID and login and you
20 have to approve their access to it?

21 A That's correct.

22 Q Do you do any kind of course materials for
23 instructors?

24 A We do. As part of the certification
25 requirement for a county election superintendent to

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6)
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER

August 16, 2019

35

1 the counties in that region decide to have and will
2 often invite us to attend.

3 Q And do you have statewide meetings to
4 bring everyone together?

5 A The only real statewide meeting is the
6 annual conference, and that, that is -- this past
7 year -- earlier this year was in March, down in
8 Jekyll Island.

9 It will be -- for the following year it
10 will be in December of this year, in Savannah. But
11 that's, that's a one-time -- the two associations,
12 the Georgia Registrars Association used to be
13 separate from the Georgia Election Officials
14 Association, but is more and more counties went to a
15 combined board, you ended up with the people going
16 to the same conference twice a year. And so those
17 two associations have actually combined into a
18 single conference, single association.

19 And so there's just one annual conference
20 a year.

21 Q Okay. Now, sounds like what you've been
22 describing is material that you're providing to the
23 various county officials. Does the Secretary of
24 State's office have a way for poll workers to get
25 information about elections directly from the

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6)
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER

August 16, 2019
45

1 again as I'm reviewing documents. So if I come up
2 on a question, I'll ask her for some clarification,
3 and she'll provide it.

4 So, yeah, I speak to her probably five
5 times a day.

6 Q And you mentioned, mentioned that the
7 training materials are kept on Firefly?

8 A Yes.

9 Q Has this been true for the entire period
10 from 2014 until today?

11 A It -- Firefly, I don't believe, was around
12 in 2014. I think Firefly -- Firefly preceded me in
13 2015. I don't know exactly when it began, but it
14 wouldn't have been in existence for long before me.

15 And it's my understanding that the
16 training materials were placed on Firefly. That was
17 the standard practice once it was developed. That's
18 one of the whole reasons it was developed, is to
19 provide sort of an online resource for counties as
20 they, as they sought training materials for
21 themselves and their poll workers.

22 Q So where would the old training materials
23 be held if they're not on Firefly?

24 A We've got files with -- I don't know if
25 there are any, but if they exist, then they are

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6)
FAIR FIGHT ACTION vs BRAD RAFFENSPERGERAugust 16, 2019
46

1 probably in a file in our office.

2 Q Let me put it this way: If we ask you to
3 give us the training materials from 2014, where
4 would you go to look for them?

5 A Primarily, Firefly.

6 Q And then secondarily?

7 A We'd check with the people that have been
8 in training in our office to see if they were aware
9 of other, of other things. John Holman, for
10 example, who is our system manager, was the training
11 administrator when I began. So I would go back as
12 far as I could to make sure we covered everything
13 that we had.

14 Q During the time period of 2014 until
15 essentially the present, what was the process at the
16 Secretary of State for developing training
17 materials?

18 A We had a training administrator that would
19 -- worked pretty closely with the counties. From
20 2014 on, the training administrator had already been
21 promoted from a county liaison position, sort of a
22 natural progression. So they were people who
23 already had strong relationships with counties. So
24 as they talked with counties, they would find --
25 hear the questions and find the weak spots.

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6)
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER

August 16, 2019
55

1 orders that came out the end of last year, we would
2 generally do that via email. And then we would
3 often post the documents on Firefly rather than
4 sending attachments for security sake.

5 Q Is there any other way that you
6 communicate feedback?

7 A Feedback?

8 Q I'm sorry.

9 MR. HERMAN: Strike that.

10 BY MR. HERMAN:

11 Q Is there any way that you'll communicate
12 to the, to the local election officials?

13 A Sometimes I'll pick up the phone and call
14 them I'll certainly do that. If there's, if there's
15 a local issue, I'll do that. Of course, it's hard
16 to call 159 officials on an issue, but I, I talk
17 with election officials every day.

18 Q Is there any record of your conversations
19 with them?

20 A No.

21 Q So you can just pick up the phone and call
22 somebody?

23 A Yes.

24 Q I'm going to show you now Georgia Code
25 Annotated 21-2-50.

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6)
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER

August 16, 2019
98

1 any requirements of local election officials or poll
2 workers to demonstrate their familiarity with the
3 rules and regulations?

4 A Well, the election superintendents are
5 required to be certified by us, and they demonstrate
6 that by taking the course and passing the tests and
7 the hands-on portion of Michael Barnes. So they do
8 have to demonstrate proficiency in order to be
9 certified.

10 When the counties do the training of their
11 local officials, it's up to them. They have to --
12 they have to report that they've provide training.

13 I don't think it's common to have a lot of
14 testing, but they generally demonstrate proficiency,
15 because, again, the elections director, the county
16 elections director, election superintendent, is the
17 one that's going be talking to me or talking to the
18 State Election Board if they don't get it right. So
19 they have a pretty -- they have a pretty vested
20 interest in making sure that their poll workers are
21 pretty well trained.

22 Q Is there a recertification process for the
23 officials?

24 A There's not a recertification process.
25 However, they have to get 12 hours of continuing

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6)
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER

August 16, 2019
99

1 education.

2 Q And what kind of -- what kind of
3 education?

4 A It's usual the conference. But they can
5 also attend other -- some of them attend courses at
6 Auburn University Election Center, do things like
7 that, that they can get credit for as well.

8 Q And is that 12-hour requirement something
9 the State mandates?

10 A Yes.

11 Q Between 2014 and 2018, what resources did
12 the Secretary of State's office provide to local
13 officials to train, educate, or assist them beyond
14 what you put out from your office?

15 Is there a budget for training, send them
16 to conferences, anything like that?

17 MR. BELINFANTE: Object to the form.

18 Q Do you provide them with any additional
19 resources for training purposes beyond what the
20 State provides?

21 MR. BELINFANTE: Object to the form.

22 A We don't generally provide money. Now,
23 with the new voting system we do have money put
24 aside. So we will start doing that with this new
25 training we're doing.

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 131

1 voting for some counties as people would have liked.

2 We got complaints there were too many
3 advanced voting locations.

4 We got complaints that there were law
5 enforcement officers present in some polling places.

6 We got complaints that some of the lines
7 were long.

8 We got -- you know, complaints about --
9 off the top of my head, that's, that's a small
10 sample.

11 Q Did you get complaints about vote
12 switching at machines?

13 A We got a -- I want to say about -- we got
14 some complaints about DREs doing something, whether
15 it's vote switching, whether it was not recording
16 the vote properly. I want to say we got about a
17 dozen, maybe 15 of those kind of complaints.

18 Q What about complaints about provisional
19 ballots not being enough?

20 A I don't think we got complaints about
21 provisional ballots, there not being enough
22 provisional ballots.

23 We got complaints about people having to
24 vote provisional ballots. And, again, I can't swear
25 there was not a single email saying something about

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 132

1 not enough provisional ballots.

2 I know that -- as a matter of fact, I was
3 reviewing an email just recently, where Dave Worley,
4 who is the democratic member of the State Election
5 Board, emailed me on election day and said that in
6 Floyd County he had gotten a report that they didn't
7 have provisional ballots. And so I immediately got
8 in contact with the election director there, who
9 assured me they did and that had -- actually
10 restocking what they already had.

11 So a lot of times election day complaints
12 are very, very fluid and by the time it gets to an
13 email, it's gone through three people, and when you
14 find out what's actually going on, it's not
15 necessarily a problem.

16 But to get back to my answer, I couldn't
17 say there wasn't a single email about some of those
18 things. But we didn't -- you know, provisional
19 ballots are generally only an election day issue.
20 So we didn't get a ton of those, but we did get
21 some.

22 Q Now, I assume you got -- a majority of
23 your complaints came from voters; is that correct?

24 A Well, we actually got -- the majority
25 certainly.

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 140

1 consistent with that, make that -- some of those
2 processes easier.

3 And, you know, I think the new voting
4 system, increased security measures, Secretary of
5 State's not running for Governor currently. You
6 know, basically everything that came up that we
7 could address we have, you know, looked at
8 addressing.

9 Q What do you mean you've looked at
10 addressing?

11 A Well, I'll give you an example.

12 With the cancellation process that is --
13 was modified in 316, HB 316, that requires us to
14 give notice to somebody who's going to be cancelled
15 between 30 and 60 days. Well, what we decided to do
16 is instead of just making -- you know, the lowest
17 common denominator would be to send somebody a
18 postcard and say, hey, you're getting ready to have
19 your voter registration cancelled, you can go to
20 this website or do these things to fix it. We're
21 sending out a confirmation notice that actually they
22 return to us, if they get one of those notices, if
23 they scheduled to be cancelled.

24 If it comes to their house and they
25 realize, I don't want to be cancelled, they can fill

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 170

1 Q What's the Secretary of State's policy or
2 practice in informing the counties and other local
3 election officials about exactly what supplies they
4 need to have?

5 A We've got, we've got inventory forms that
6 are available, and when the store opens, Rochelle
7 Simmons will send out an email to the counties
8 saying pre -- prior to the election, hey, the store
9 is now open, you've got until X, you know, this
10 three weeks or three months or whatever, to order
11 your supplies.

12 But they -- I mean the counties know what
13 they need, and we've got a history of what they
14 ordered, so we could see if they're -- you know,
15 some counties want, you know, way more stuff than
16 they need. Of course, sometimes we have to deal
17 with limited amounts. Some counties like to
18 have 500,000 voter registration applications on hand
19 at all times. We don't have that, but we get them
20 what they need.

21 Q How are their needs communicated to the
22 Secretary of State's office?

23 A Usually through the store. And then if
24 somebody has a special situation, they'll often
25 email either Rochelle or me directly and say, hey,

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 171

1 I've got the special circumstance, can I get more of
2 this stuff, or I need something else.

3 Q How do you order from the store?

4 A How does a county order from a store?

5 Q Yes.

6 A They go online to a website and they --
7 like an online order. So they'll say I want 500
8 voter registration applications and 10,000 absentee
9 ballot envelopes, and that gets processed by our
10 warehouse manager, who ships them out.

11 Q Is that recorded by the Secretary of State
12 somehow?

13 A Yes. The orders are, are stored -- or
14 they're recorded.

15 Q Can you just show up at the store? Is
16 there a physical location?

17 A No. Well, there is a warehouse but, no,
18 you can't just show up with a shopping bag and a --

19 Q And hand cart?

20 A -- checkbook, no. It's all -- now, if
21 there were a situation where somebody needed
22 something in an overnight situation, we could work
23 with them. If they -- especially if a metro county
24 said we got to have something now, we could have
25 them show up at the warehouse and, and get them what

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 172

1 we had.

2 Q But is there a written -- does the
3 Secretary of State have a written policy or
4 procedure on how to order, or is it all just online?

5 A It's, it's online. And, like I said,
6 Rochelle Simmons sends out an email to the -- or
7 does a Buzz -- usually an email and Buzz post
8 saying, hey, everyone, the store is open, here is
9 the website, go to it to order your supplies between
10 this date and this date.

11 Q Does the Secretary of State's office have
12 a policy or practice of alerting people when you
13 think there's going to be a high volume election?

14 A Yes, but, but it's -- it's usually sort of
15 common knowledge. I mean general elections,
16 gubernatorial elections, presidential elections,
17 those are going to be big elections.

18 House District 6 in 2017, to replace
19 Congressman Price with Karen Handel and John Ossoff,
20 was an unusually heavy special election.

21 But generally the counties, the counties
22 know when -- if they know that it's -- if it's a
23 special election to replace a county board of
24 election member and they got 3,000 registered
25 voters, they can pretty much guess the turnout and

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 173

1 do just fine.

2 Q So you trust the counties to understand
3 what the turnout is going to be?

4 A Well, we do emphasize the size and the
5 scope and the gravity of what's going on. We don't
6 just assume that they know everything. But the fact
7 is they're, you know -- most of them have been
8 through this before and know what a mid-term
9 election is like, know what a presidential election
10 is like, know what some of the challenges are going
11 to be. And so they're generally prepared.

12 But, yes, we would, we would tell them --
13 you know, we spent a lot of time at the conference
14 this past, this past March talking about these kinds
15 of things. Hey, cybersecurity is going to be more
16 of an issue than ever.

17 Absentee ballots were sort of made a
18 comeback in 2018 over the levels that we had seen in
19 the past.

20 And so, you know, is that trend going to
21 continue or is it going to -- you have to be
22 prepared for any and all. I mean advanced voting,
23 the trends in advanced voting have gone way up and
24 weekend advanced voting has gone way up. And so
25 they have to respond to that.

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 174

1 Q And is that the primary means of
2 communication, the conference that you have?

3 A That's the most direct way because it's
4 all of us in one big room. But throughout,
5 throughout the -- throughout the year, like I said,
6 sending out election bulletins, going to their
7 regional meetings.

8 Before the 2018 election, I went to -- I'm
9 not sure if I'd say most, but I went to a lot of
10 regional meetings and talked with them about, you
11 know, what we would be looking at in 2018, some of
12 the challenges and, you know, showing, you know, we
13 were there to support them, telling them what we saw
14 sort of on the horizon and getting them ready.

15 Q And does the Secretary of State's office
16 have any procedure for ensuring that the counties
17 have the necessary supplies before the election?

18 A Just other than reminding them that they
19 need them and reminding them where to get them and
20 how to get them, no. Unless it's something very
21 specific that we would provide in a specific way.

22 For example, some of the technology that
23 will be necessary for the voting machines that's
24 hand-delivered to them, we would certainly do that
25 in a very direct, instructional way. But other than

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 175

1 reminding them that, like we do with UOCAVA, hey,
2 make sure you do these things to avoid getting
3 tripped up on UOCAVA or failing to do something you
4 need to on UOCAVA, do these things.

5 Q And how do you communicate that reminder?

6 A Generally through emails, or OEB's, or
7 Buzz posts.

8 Q If I can go back to Code Section 21-2-50
9 and direct your attention to Section 11, which is in
10 the middle of the second page.

11 We've talked extensively about training
12 this morning. So I'll just ask specifically, and
13 let me just read it to make the record clear.

14 Section 11 says that the Secretary of
15 State is required "to conduct training sessions at
16 such places as the Secretary of State deems
17 appropriate in each year for the training of
18 registrars and superintendents of elections."

19 Does the Secretary of State's office have
20 specific policies and procedures with respect to the
21 training that it's required to provide for
22 superintendents and registrars?

23 A We do some. We have the certification
24 requirements for election officials. They have the
25 -- superintendents have to be certified within six

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 178

1 A Not that are I think separate from what's
2 already in the code about required training and
3 things like that.

4 Q Can you expand on that?

5 A Well, the fact that you have to be
6 certified within six months of being appointed and
7 you get your 12 hours of continuing education,
8 provide poll worker training. Counties have to
9 provide poll worker training for their poll workers.
10 That stuff is what I mean.

11 Q Are there any policies that aren't in
12 writing that address this obligation under the
13 statute, under the regulation?

14 A I don't believe so. I don't believe so.

15 Q Do you have any policies or procedures for
16 training superintendents and registrars on what they
17 should train their personnel about, their poll
18 workers, their people that they supervise?

19 A Generally, it's the law. I mean we
20 generally teach them and instruct them to train them
21 that this is the law.

22 I like to -- when I'm involved in talking
23 with election superintendents about training, and
24 it's my practice, generally we're talking with them
25 about anything -- cite to the code. I say I

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 179

1 generally don't like to tell somebody to do
2 something without giving them a citation for why
3 they must do it or must not do it.

4 So I encourage the counties to use the
5 code and the State Election Board rules and say
6 specifically it says here thou shall or thou shall
7 not, XYZ.

8 We make all of the training materials
9 available on Firefly. We encourage people to sign
10 up for the training webinars. It really is sort of
11 a Train The Trainer scenario where we're giving them
12 the information to them, for them to take back and
13 customize for their offices.

14 Q You say you encourage the superintendents
15 and registrars to train in that fashion. How do you
16 encourage them?

17 A Usually through personal conversations. I
18 mean they'll call me and they may have a question
19 about a code. I don't get a lot of calls per se
20 about training questions, like how do I train
21 somebody on this, but they may have a question about
22 clarifying some practice or another, and I tell
23 every, every election official that calls me, I say
24 get out your book and turn to 21-2-238. Whatever
25 the code section is, let's read it together. It

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 180

1 says, thou shall not blah, blah, blah, blah.
2 I know what this means to me. It should mean the
3 same thing to you.

4 And this is -- on my experience, this is
5 where people mess up in whatever this particular
6 thing is. They'll wait too long to do something or
7 they won't do it immediately, and that causes
8 problems down the line. You let stuff back up and
9 it cause problems, you can't get caught up. And so
10 that's where I directly talk with them and say, if
11 you're doing this, make sure you do it this way and
12 avoid these pitfalls.

13 Q Is that information also provided to them
14 through the certification process?

15 A Well, it depends on -- not -- certainly
16 not everything is covered in the certification
17 process but the big picture items are covered in the
18 certification process.

19 But if there's a question about a specific
20 issue, then I'd go straight to the code or straight
21 to the State Election Board rules and say, hey,
22 here's where you can find information on this. And
23 sometimes we'll talk about it and sometimes they
24 just need to be directed to where the actual answer
25 is.

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 181

1 Q So what you're talking about is sort of a
2 reactive, responding to inquiries from people about
3 their obligations; is that correct?

4 A Yes.

5 Q Approximately how many registrars have you
6 talked to, say, in the last year in that fashion?

7 A Well, now, you've got registrars and
8 election directors. Are we combining the terms?

9 Q Let's combine the terms.

10 A Okay. County election directors, in the
11 last year, probably half of them, and probably
12 two-thirds of them multiple times.

13 Q And how about over the last three years?

14 A Most of them. Although there's some
15 counties that just stay out there and just do
16 everything and need very little -- have very few
17 questions and they just show up and they do their
18 thing and they have no problems. And I, you know, I
19 don't talk to them very often. I talk to them at
20 conferences, of course.

21 Q A student counties?

22 A I suppose -- yeah. You just don't get
23 complaints from them. They just go along and
24 operate without any kind of complaints.

25 Q What counties are those?

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 182

1 A Gosh. It's interesting because they're
2 not at the top of my head, so I almost have to look
3 at a map and find the ones I don't know about.
4 There are a lot of good counties out there. And
5 there are some counties -- as a matter of fact, I'd
6 say most of the counties are very good.

7 But some counties, frankly, just need a
8 little bit more hand-holding. Some of them are much
9 more concerned about confirming what they think to
10 be true, and so they'll call me.

11 Some counties are sort of the leader in
12 their regions, so they get questions from other
13 counties or they want to let me know about things
14 that are going on. So I spend a lot of time talking
15 with county election directors.

16 Q Did the Secretary of State's office change
17 any of its, its training policies after the 2018
18 election?

19 A I don't think it changed the policies.
20 Like I said, we've increased the output because we
21 think there's increased -- there's just new issues
22 that they have to deal with that have changed more
23 so. I mean HB 316 was a pretty monumental election
24 bill in terms of what it changed, and so there's
25 just a lot of work to be done to make sure everybody

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 200

1 Again, I'll just read it. This involves
2 "policies that the Secretary of State implemented at
3 any time since 2012 about the removal of voter from
4 its registration rolls for any reason, including
5 under Section 21-2-234 (use it or lose it) or under
6 Section 21-2-220.1."

7 Now we say use it or lose it. What
8 terminology do you use?

9 A Well, it's sort of two processes. You've
10 got no contact. And then no contact refers to the
11 process where somebody is cancelled. So they sort
12 of go -- they can go together.

13 But 21-2-234 is generally -- we would call
14 it no contact.

15 Q No contact. I'm sorry, what was the other
16 process?

17 A It's the process where voters who have
18 been inactive through two general elections are
19 cancelled.

20 Q So what are the differences between no
21 contact?

22 A Well, if some -- this is a change this
23 year with HB 316. Previously, if somebody had no
24 contact with the elections or registration system
25 for three years, they would be sent a notice, a

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 201

1 confirmation notice from their county saying, hey,
2 are you still there, do you want to remain
3 registered to vote, we haven't heard from you in
4 three years.

5 If you -- if the voter responded and sent
6 that card back, they would remain active.

7 If the voter didn't send the card back or
8 was returned as undeliverable from the post office,
9 then the voter would go into inactive status -- I'm
10 sorry. Yeah, would go into inactive status.

11 And when a voter is in inactive status,
12 they can still vote. They show up on the express
13 poll. They can cast a ballot, they can sign a
14 petition, they can change their address or
15 re-register. Any action basically within the
16 election or voter registration system automatically
17 makes them active again and would take them off of
18 the inactive list.

19 Somebody that's been on the inactive list
20 through two general elections is subject to having
21 their status cancelled in the voter registration
22 system and then would have to re-register in order
23 to vote.

24 Q And, again, you're the individual that the
25 Secretary of State's office has designated to

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 206

1 rights logging on and saying, okay, cancel, and the
2 action would have been -- the cancellation would
3 have been.

4 Now, the action, you have to have two
5 people that approve it within, I think, a 30-minute
6 window. And it's me, I do it first, and then in the
7 last case it was Ryan Germany that was the second
8 confirming person, that has to be done within 30
9 minutes.

10 Q So, so let's take a step back, and I
11 apologize if I'm ignorant about this, but just --
12 start with the process of how a voter is removed.
13 Explain mechanically exactly what you do.

14 A And if I start too far back let me know.

15 But once, once somebody ends up on the
16 inactive list -- and there are ways you can end up
17 on the inactive list of voters. Do you want me to
18 go through that process?

19 Q No.

20 A Okay. So once you're on the inactive list
21 of voters and you've been on that through two
22 general election cycles, for whatever reason, you're
23 subject to removal. It's done in odd-numbered years
24 and it's generally done towards the end of
25 odd-numbered years. One of the reasons for that is

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 207

1 because -- of course, there's no systematic list
2 maintenance to be done within 90 days of a federal
3 election. Well, in even-numbered years I don't
4 think we've got 90 days between primaries, certainly
5 not next year with the PPP in March and then a
6 primary, and then a primary runoff, and then the
7 general election. There's simply no -- there's no
8 90-day window really that that could be done, and
9 it's not something we would want to do right before
10 a large election anyway.

11 So the practice is to do it in
12 odd-numbered years, late summer, early fall, and as
13 a result of House Bill 316 we now have to send out
14 notices to voters between 30 and 60 days before the
15 process happens.

16 So we have gotten the list already of the
17 people who will be subject to this cancellation, and
18 we are -- we had to make some changes in our eNet
19 system to comply with the new requirements to send
20 notices, and we're working on that process and that
21 will take place a little bit later this year.

22 But it's simply you identify the voters,
23 you put them in a list, and then you go into the
24 process and you, you know, you click on the things
25 and you execute the cancellation.

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 208

1 The voter status is updated to cancel.
2 They're not removed from the list. They stay on the
3 list as, as a cancelled voter. It's recorded in
4 their history, and that's it.

5 Q And that's done manually in the
6 registration system; is that correct?

7 A Yes.

8 Q And you are one of the people who
9 physically does that?

10 A Yes.

11 Q Along with another person?

12 A Yes.

13 Q And that person's job description is?

14 A Well, last time it was Ryan Germany, who
15 is general counsel.

16 Q So there's a specific -- there are
17 specific people who do that?

18 A Well, there's a -- he did it -- he did it
19 -- he and I did it in 20 -- 2017. There's not a
20 policy that, that person does it but it does require
21 two separate people to do it.

22 Q What requires two separate people?

23 A The way we built the system. So when we,
24 when we went into eNet, and it was not lost on me
25 that the person who had the job before me had

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 216

1 Q Cancelled. Sorry.

2 A Because they -- purged implies they're
3 gone from the system, and they're not. They're in
4 the system as cancelled.

5 We don't -- you don't register by party in
6 Georgia, so there's no way to know what somebody's
7 party affiliation is.

8 Q Gender?

9 A I don't have the -- I don't have the
10 numbers with me.

11 Q Is that going to be true for all of these?

12 A For the ones where there is a number.

13 Now, religion, there's no -- there's
14 nothing in the voter registration system that would
15 indicate anyone's religion, so there wouldn't be any
16 data for that.

17 Q Has the Secretary of State's office done
18 any analysis to ascertain whether the statute is
19 applied in a manner that does not discriminate on
20 the basis of race?

21 A I don't think so. None that I'm aware of.

22 Q Has there ever been any discussion of
23 doing an analysis of that type?

24 A I think there have been discussions around
25 litigation with some of these, some of these issues.

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 233

1 Holman. But, again, everything kind of comes back
2 to me to be responsible for what does and doesn't
3 happen.

4 (WHEREUPON, Plaintiff's Exhibit-6 was
5 marked for identification.)

6 BY MR. HERMAN:

7 Q I'm going to show you Plaintiff's Exhibit
8 6, which is a copy of 220.1.

9 So based on our conversation, you are
10 familiar with this?

11 A Yes.

12 Q So could you please describe generally
13 what is the method or system that the Secretary of
14 State uses to remove voters from the voting list
15 under Section 21-2-220.1?

16 A To remove voters from the voter list?

17 Q Well, or to --

18 A Nobody gets removed from the voter list
19 under this law.

20 Q Can you explain the way the process works?

21 A Okay. Somebody registers to vote and the
22 law requires that they provide their driver's
23 license number, if they have one, or the last four
24 of their social, if they have one. If they don't --
25 if they have one or the other, if they don't provide

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 234

1 a driver's license and they provide photo ID when
2 they register to vote, they are automatically
3 registered and active to vote. They still go
4 through the DDS verification. However, by checking
5 they provided ID, it overrides any DDS failure that
6 might happen.

7 Same way with -- I know you're not talking
8 about citizenship, but it's like citizenship the
9 same way. If you mark -- if the registrar, when
10 they enter the data into eNet, marks the person
11 provided ID or citizenship documents, it overrides
12 any rejection that DDS would have put on it
13 normally.

14 Q Why would DDS have put a rejection on it
15 normally?

16 A Well, not necessarily rejection. What
17 would have happened is if there was no ID and no --
18 and they couldn't verify a driver's license number
19 or social security number, it would come back as
20 pending, and previously somebody would be in pending
21 status, and that person would be able to vote if
22 they showed up, provided ID. That would have cured
23 that pending issue or citizenship, if that was the
24 issue. It would have cured that and they would have
25 been able to vote. Now, the --

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 235

1 Q I'm sorry. That was pre-HB 316?

2 A Correct.

3 With the changes in 316, now the person is
4 made an active voter. So they're made an active
5 voter, they're sent a precinct card, but they're in
6 what's called MIDR status, which means they need to
7 show ID in order to complete the registration.

8 So if you're one of those, you're one of
9 those folks, you register to vote without a picture
10 ID, and for whatever reason they couldn't verify
11 your identity, either through the last four of
12 social or driver's license number or lack thereof,
13 you would get a -- you would be an active voter.
14 You'd get a precinct card from your county and then
15 when you showed up to vote -- now, on your -- you
16 would also get a letter saying you had to provide ID
17 at some point. You could do it before or you can do
18 it on election day.

19 So you show up to vote. You have ID and
20 you present that. They remove the MIDR status and
21 you're able to vote on whatever the normal voting
22 system is.

23 Q What other issues could prompt receiving
24 MIDR status?

25 A Really, it would be if you failed to

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6)
FAIR FIGHT ACTION vs BRAD RAFFENSPERGERAugust 16, 2019
236

1 provide ID and you failed verification.

2 Now, if you didn't provide ID when you
3 registered but you put your driver's license number
4 and DDS was able to verify it, you wouldn't be in
5 MIDR status. You would just be a full-time active
6 voter. But if you don't produce ID and they can't
7 verify you, then you become an active MIDR voter.

8 Is that --

9 Q Let's, let's do this. Can you explain to
10 me the difference between the pre-HB 316 process and
11 the post pre-316 process.

12 A The real difference is that pre-316, the
13 same process would happen. The difference is when
14 you were unverified, in the VR system you would be
15 in pending status, which means you wouldn't get a
16 precinct card mailed to you. And if you showed up
17 at the polling place, they'd say, Mr. Harvey, you're
18 in pending status, you need to show some kind of ID.
19 Which you could do, clear it up. You'd be moved to
20 active status and you'd go ahead and vote.

21 The voter in some cases may not even
22 really notice a difference because you have to show
23 ID anyway. But probably they would have noticed
24 because they would have been told -- they probably
25 would have been told you're in pending status, you

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 237

1 need to show some ID. And depending on how much
2 attention the voter was paying, because they have to
3 show ID anyway, they may just show ID, get it
4 cleared up and then go vote and may not be any
5 wiser. But they would be --

6 Q And they would vote on a normal ballot?

7 A They would vote on a normal -- on a DRE.

8 Q I'm sorry.

9 A So that the process for the voter is
10 largely the same. I mean you still show up, you
11 still present ID and get that MIDR tag taken off
12 your registration.

13 One of the big differences, one, you get a
14 precinct card showing that you're an active voter.
15 You also get a letter -- now, before you would have
16 also gotten a letter from the county saying, hey,
17 there's a problem with your verification, you need
18 to provide this in order to complete your
19 registration, which you could have done in advance.
20 You can still do in advance. Take that MIDR tag off
21 and vote on a DRE, just like any other active voter.

22 Q So the difference now is essentially what
23 bucket you're placed in?

24 A Well, and the fact you get a precinct
25 card. And the fact that you're listed as an active

GEORGIA OFFICE OF THE SECRETARY OF STATE 30(b)(6) August 16, 2019
FAIR FIGHT ACTION vs BRAD RAFFENSPERGER 238

1 voter. And the other difference is that in the, in
2 the previous iteration, if you were pending after 26
3 months, you would roll off the system. If you
4 didn't vote or didn't fix that after 26 months, you
5 would be rejected at that point.

6 Q And now --

7 A And now, MIDR -- you can be an active MIDR
8 for as long as possible, unless you went inactive
9 for some other reason.

10 Q And what does MIDR stand for?

11 A It's for missing ID required.

12 Q So under, under either iteration of this
13 process, the Secretary of State has interpreted the
14 statute to mean there must be an exact match; is
15 that correct?

16 A It means that you have an exact match on
17 last name, first name, date of birth, and last four
18 of social. That has to match exactly.

19 Q And when did the Secretary of State first
20 interpret the statute that way?

21 A I believe that's been, that's been the
22 decision -- that's been the policy for years. I
23 don't know exactly when it began.

24 Q Did it predate your tenure?

25 A I believe it did.